

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A., etc.,

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>4-22-14</u>

Plaintiff,
-against-

PETER H. GEBERT, et al.,

13 Civ. 6988(PKC)

Defendant.

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ORDER

CASTEL, District Judge:

The Court has defendants' counsel letter of April 21, 2014. Defendants seek to have plaintiff respond to a comprehensive set of interrogatories.

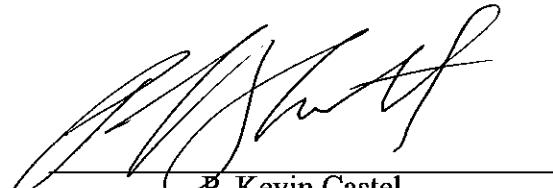
While it is no means the heart of the issue, defendants' interrogatories do not comply with Local Civil Rule 26.2. The Rule provides for "Uniform Definitions in Discovery Requests" (emphasis added). The Uniform Definitions were intended to end the practice of each attorney drafting his or her own favorite set of boilerplate definitions that were either (a) ignored by opposing counsel; (b) required hours of useless study by opposing counsel; or (c) became a trap for the unwary. Rule 26.3(a) expressly provides in part that "No discovery request shall use broader definitions or rules of construction than those set forth in paragraphs (c) and (d)." This requirement has been violated repeatedly by definitions in defendants interrogatories which are at odds with Rule 26.3(c)(1), (2), (3) and (4). Counsel is on notice that this conduct is not to be repeated in this or any other case in this District. The interrogatories are modified to delete the offending definitions.

Consistent with Local Civil Rule 33.3, the Court will direct plaintiff to identify all persons with knowledge of information relevant to the subject matter of the action. The

Court will also require plaintiff to respond to Interrogatory 8, 11, 14, 15, 16. The plaintiff need not respond to any other interrogatory at this juncture.

SO ORDERED.

Dated: New York, New York
April 21, 2014



P. Kevin Castel
United States District Judge